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Burford Inks Deal with Chevron, Says Patton Boggs Hid Truth About Ecuadorian Plaintiffs

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In its effort to discredit lawyers holding an allegedly fraudulent \$19 billion environmental judgment against it, Chevron Corporation has found an unlikely ally: Burford Capital Ltd., the world's largest litigation financing company, which in 2010 agreed to invest up to \$15 million in the worldwide effort to enforce the mega-judgment.

Burford [announced on Wednesday](#) that it has disclaimed any interest in enforcing the Ecuadorian judgment. "Burford does not sit still for being deceived or defrauded and has no interest in profiting from such conduct," Burford CEO Christopher Bogart said in a statement.

Chevron, for its part, agreed to drop any legal claims against Burford relating to the Ecuadorian litigation. As [we've chronicled](#), Chevron and its lawyers at Gibson, Dunn & Crutcher are aggressively pursuing fraud and racketeering claims against the Ecuadorian plaintiffs and their lead lawyers in federal court in New York, though Burford was never a defendant.

"Chevron believes that Burford has acted responsibly after becoming aware of the fraud, bribery, and extortion perpetrated here, and Chevron is pleased that Burford has taken this further action of disclaiming any interest in this matter," Chevron general counsel Hewitt Pate said in a statement.

Burford's abnegation of the judgment comes as no surprise. In September 2011, the financing company wrote a letter to lawyers for the Ecuadorian plaintiffs, including Steven Donziger, accusing them of ghostwriting an expert report and then lying about it. While Burford's activities are normally top-secret, the letter came to light through discovery in the New York fraud and RICO litigation. Ruling that Chevron's opponents likely committed fraud, U.S. District Judge Kaplan has given Chevron wide leeway to compel production of attorney-client privileged documents.

The deal with Burford gives Chevron yet another opportunity to undermine its opponents' credibility. Indeed, Bogart [submitted a 21-page declaration on Wednesday](#) alleging that lawyers for the Ecuadorians at Patton Boggs duped Burford into funding the case the year before the \$19 billion judgment was issued. Bogart wrote that "[Patton Boggs partner James]

Tyrrell's and Patton Boggs' assumption of a leadership role in the Lago Agrio Litigation transformed it as an investment possibility." It later became clear, Bogart wrote, that Patton Boggs knew about misconduct by Donzinger but didn't disclose the information to Burford.

"Had Burford received the full disclosure to which it was entitled under the Funding Agreement, it certainly would not have invested in this matter," Bogart wrote.

Patton Boggs's Tyrrell provided us with a statement from the firm: "Patton Boggs is fully confident that it has acted appropriately and ethically in its representation of the Lago Agrio plaintiffs. . . .The \$19 billion judgment ultimately rendered and affirmed in the Courts of Ecuador was fully supported by the evidence and we will continue to combat Chevron's attempts to undermine that judgment."

A spokesperson for the plaintiffs called Burford's actions part of "Chevron's non-stop Big Money attempt to intimidate and malign the Lago Agrio plaintiffs and their lawyers and supporters."